

FILED

Feb 14 - 2021

AT 3 O'CLOCK 45 MINUTES

John M. Domurad, Clerk

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

MICHAEL D. DARLING )

Case No. 1:21-mj-92 (CFH)

Defendant(s) )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of February 12, 2021 in the county of Fulton in the Northern District of New York the defendant(s) violated:

*Code Section*

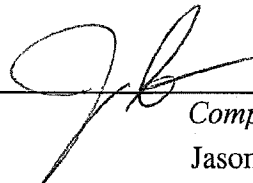
26 U.S.C. 5861(d)

*Offense Description*

Possession of an Unregistered Firearm, that is, Destructive Device

This criminal complaint is based on these facts:  
See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Jason Stocklas, ATF SA

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: February 14, 2021



Judge's signature

City and State: Albany, NY

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Jason Stocklas, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. This affidavit is made in support of an application for search warrant(s) for search of: (a) the residence of Michael D. DARLING, located at criminal complaint charging Michael D. DARLING (hereinafter, "DARLING") with violating 26 U.S.C. § 5861(d), Unlawful Possession of an Unregistered Destructive Device.
2. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, & Explosives (hereinafter designated as ATF) and declare that I am the type of Special Agent as delineated by Title 18 USC 3051. I am presently assigned to the Albany, New York Field Office. Your affiant has been employed as an ATF Special Agent for thirteen years. Your affiant is a graduate of Rensselaer Polytechnic Institute in Troy, NY with a Bachelor of Science Degree in Chemical Engineering, and the Missouri University of Science and Technology in Rolla, MO with a Master of Science Degree in Explosives Engineering. Your affiant is also a graduate of the Criminal Investigator Training Program and ATF National Academy, both located at the Federal Law Enforcement Training Center in Glynco, Georgia. Your affiant serves as a Certified Explosives Specialist and Bomb Technician as well as a firearms and ammunition expert for ATF. Additionally, your affiant has testified as an expert witness in US District Court pertaining to firearms and interstate nexus five times. Prior to becoming an ATF Special Agent, your affiant completed the Zone Five Regional Law Enforcement Training Center Basic School for Police Officers and served as a uniformed member of the Troy, NY Police

Department for approximately three years. Additionally, your affiant served as a uniformed member of the Troy Housing Authority Department of Public Safety for approximately 2 years. While a member of the Troy, NY Police Department, I completed training to become a Field Training Officer and served in that capacity for approximately eighteen months. I also received advanced training in handling emotionally disturbed persons while serving as a member of the Troy, NY Police Department and was a founding member of the department's Emotionally Disturbed Persons Response Team.

3. Your affiant has participated in many investigations involving the possession of firearms and ammunition by people prohibited under federal law from possessing firearms and ammunition. Your affiant has also participated in many investigations involving the illegal trafficking of firearms. Your affiant is well acquainted with the manufacturing of firearms and ammunition and what constitutes the manufacture of firearms under federal law and has directly observed the manufacture of firearms and ammunition from numerous large scale, federally licensed manufacturers. As a FBI certified Hazardous Devices Technician (aka "bomb technician") your affiant has also participated in numerous investigations involving Improvised Explosives Devices (IED) and conducted many locate and render safe operations involving the same. Through these investigations, my training and experience, and conversations with other law enforcement officers, I have become familiar with the methods used to acquire, manufacture, transport, store, and sell firearms and IEDs.
4. The facts in this affidavit come from my personal observations and investigation, information and reports received, directly and indirectly, from New York State Police members, Gloversville Police Department members and other ATF agents and task force

officers, and my training and experience. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that DARLING has committed a violation of 26 U.S.C. § 5861(d), Unlawful Possession of an Unregistered Firearm, that is Destructive Device.

**PROBABLE CAUSE**

5. On February 12, 2021, members of the Gloversville Police Department (GPD) were contacted by a concerned party familiar with Michael Dean DARLING residing at 14 McLaren Street, Gloversville, NY. The concerned party, DARLING's girlfriend, requested GPD to do a welfare check on DARLING due to a suicide note left by DARLING. In the correspondence DARLING made statements leading family members to believe DARLING was preparing to due self-harm. Members of GPD arrived at 14 McLaren St. Gloversville, NY to conduct a welfare check on DARLING. Members of GPD entered the residence with the help of DARLING'S girlfriend who has a key to the residence and regularly spends the night at the residence, and while searching for DARLING observed what appeared to be pipe bombs in plain view. Members of GPD backed out of the residence, and applied for, and were granted a search warrant for 14 McLaren Street, Gloversville, NY by the Honorable Polly A. Hoye, Acting Supreme Court Justice, 4<sup>th</sup> Judicial District, Acting City Court Judge, City of Gloversville, Fulton County.
6. Members of and the New York State Police Bomb Disposal Unit (NYSP)(BDU) and GPD executed the State Search Warrant on 14 McLaren Street., Gloversville , NY. During the

execution of the search warrant, investigators recovered the following: (a) rolls of fuse, (b) container of Pyrodex, (c) threaded pipes with caps drilled out containing quantities of fuse, (d) threaded pipe sections, (e) threaded pipe endcaps with holes drilled, (f) rocket engines, (g) mercury switch, and (h) soldering iron. More specifically, the items located include six (6) threaded metal pipe bombs with enclosed end caps on both sides. There was a hole drilled in the pipes to accept a Visco fuse as a means of initiation. X-ray examination of the pipes revealed what appeared to be a propellant powder, likely Pyrodex, inside the pipe along with what appeared to be "BBs". As noted, also recovered was an additional quantity of Pyrodex powder, additional quantity of BBs, and unused lengths of Visco hobby fuse.


7. The evidence was secured with either GPD or NYSP BDU. ATF and FBI were contacted due to the nature of the items recovered. As a FBI certified Hazardous Devices Technician, also known as a bomb technician and as an ATF Certified Explosives Specialist, I believe the recovered items are firearms under federal law pursuant to 26 U.S.C. § 5845(a)(8) and destructive devices pursuant to 26 U.S.C. § 5845(f). The destructive devices were in, or could readily have been put in, operating condition. There are no firearms and/or destructive devices registered to DARLING in the National Firearms Registration and Transfer Record (NFRTR). Since there were no serial numbers on the pipes, the pipe bombs themselves could not be queried in the NFRTR.
8. Review of DARLING'S criminal history also shows that he is a previously convicted felon out of Fulton County Court, case #2009-0032, having previously been convicted Burglary in the Third Degree, in violation of New York State Penal Law Section 140.20, a Class D felony, on or about May 5, 2009. Upon which he was sentenced to 1 1/3 - 4 years

imprisonment, with order of protection issued. He was discharged from New York State parole on or about June 3, 2011.

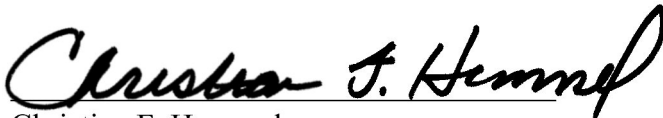
**CONCLUSION**

9. Based upon the above information, I believe there is probable cause to establish that DARLING has violated 26 U.S.C. § 5861(d), which makes it unlawful to possess an unregistered firearm, that is, destructive device.

Attested to by the affiant.

  
Jason Stocklas  
ATF Special Agent

**I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on February 14th, 2021 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure**

  
Christian F. Hummel  
U.S. Magistrate Judge